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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,579	07/23/2003	Graham Oldfield	5035-151US	7733

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7590 07/25/2008

EXAMINER

PHAM, TAMMY T

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

07/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/625,579

Applicant(s)

OLDFIELD, GRAHAM

Examiner

TAMMY PHAM

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Independent claims 10, 17, have been amended. Claims 1-18 are pending.

Response to Arguments

2. *§101 Rejection*

3. Applicant's amendments are now in compliance with rules regulation non-statutory subject matter. Hence, the previous 101 rejection of 6 February 2008 has been withdrawn. However, claim 17 has now been further rejected under 112, 1st for containing new matter. In particular, claim 17 has been amended to contain subject matter pertaining to the instructions on the computer-readable medium, and this is not supported by the original disclosure.

4. *§103 Rejection*

5. Applicant's arguments filed 5 May 2008 have been fully considered but they are not persuasive.

6. **In regards independent claims 1, 10, 17-18,** Applicant submits that “[a]lthough Examiner repeatedly refers to the text pointer table 27 of Fig. 2 of Doyle as a color mask, the text pointer table 27 has nothing to do with any type of color. Rather, the text pointer table 27 stores only data regarding the text string corresponding to each index number, with each text string containing a text label for the portion of the display screen in which the pixel is located (Remarks 10).” This is not persuasive.

7. The claim language as currently stated remains broad. In other words, although Applicant may be correct in its interpretation of Doyle above, this interpretation of Doyle still reads upon the claim language. For instance, even if, the text pointer table 27 stores only data regarding the text string corresponding to each index number, with each text string containing a text label for the portion of the display, Doyle's color mask is still associated with color to some extent. For example, Doyle teaches that the color mask (Fig. 2, item 27) corresponds to the color map (Fig. 2, item 25). Hence, because the claim language still fails to specifically describe how the color map is associated with color, the teachings of Doyle still continues to read upon the claim language as currently stated.

8. **In regards independent claims 1, 10, 17-18,** Applicant submits that *"the portions of the display are not represented by a single different color from a set of unique colors and are not associated with any color, as recited (Remarks 10)."* This is not persuasive.

9. The claim language remains broad. The portions of the display are associated with color. The term "associated" remains broad, and hence it is clear that Doyle teaches that the portions of the display (Fig. 1, items 21) is associated with colors (Fig. 2, item 25) to some extent. Further, Doyle also teaches that the portions (Fig. 1, item 21) of the display (Fig. 1, item 11) are represented by a single different color (Fig. 2, the different segments of sections of item 25) from a set of unique colors (Fig. 2, item red, blue, and green).

10. **In regards independent claims 1, 10, 17-18,** Applicant submits that *"the image 21 of Doyle is only a single image on a video display 11 ... [n]owhere does Doyle teach or suggest any*

type of action that corresponds to the individual portions of the display area of Doyle. Rather, the individually labeled portions of the display area 11 of Doyle are simply portions of the image 21, nothing more (Remarks 11)." This is not persuasive.

11. Although, Doyle simply refers to the images (Fig. 1, item 21) of the display (Fig. 1, item 11) as one collective image and hence references them as one numerical number, which is 21; this does not limit the teachings of Doyle of one image. In fact, Doyle teaches of a plurality of portions of the display that is corresponds to an individual action. Specifically, Doyle teaches of a display (Fig. 1, item 11). On the display (Fig. 1, item 11) are various objects (Fig. 1, item 21). Even though the various objects are all collectively referred to as item "21," the various objects consists of at least a chair, lamp, and sofa (Fig. 1, item 21). When the user clicks on one of these portions, this click induces the action of display the text "chair," "lamp," or "sofa" (Fig. 2, item 26) on the display (Fig. 1, item 11, column 8, lines 28-43). Hence, Doyle teaches of a plurality of images on a video display, and of an action that corresponds to the individual portions of the display area.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described

in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

13. **In regards to independent claim 17**, the newly amended claim language contains new matter. In particular, claim 17 has been amended to contain subject matter pertaining to the instructions on the computer-readable medium, and this is not supported by the original disclosure. Appropriate correction is necessary.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DOYLE (US Patent No: 4,847,604) in view of SEGMAN (US Patent No: 6,122,012).

16. **As for independent claims 1, 10, 17-18**, DOYLE teaches of a computing device (*Fig. 1, item 10*) and method adapted to establish which control area (*Fig. 1, items 21*) shown on a display (*Fig. 1, item 11*) of a computing device (*Fig. 1, item 10*) has been selected by a user in *Fig. 1 and in column 5, lines 35-40*, the device and method comprising the steps of:

17. (a) representing each of a set of device control actions (*Fig. 2, item 26*) by a single different color (*Fig. 2, item 27*) from one- a set of unique colors using a predefined lookup table (*Fig. 2, items 25-27*);

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18. (b) associating each of a plurality of selectable control areas (*Fig. 1, item 21*) of the display (*Fig. 1, item 11*) with only one of the different colors (*Fig. 2, item 27*) in a color mask (*Fig. 2, item 27*);
19. (c) storing the color mask (*Fig. 2, item 27*) in a memory (*Fig. 1, item 16*) of the computing device (*Fig. 1, item 10*);
20. (d) generating a set of co-ordinates (*Fig. 2, item 25*) for a contact location (*Fig. 1, item 23*) on the display (*Fig. 1, item 11*) while the color mask (*Fig. 2, item 27*) is not displayed on the display (*Fig. 1, item 11*);
21. (e) retrieving the color mask color (*Fig. 2, item 27*) by obtaining the color (*Fig. 2, item 27*) assorted with a pixel (*not shown*) in the color mask (*Fig. 2, item 27*) at a location (*Fig. 1, item 23*) corresponding to the set of co-ordinates (*Fig. 2, item 25*); and
22. (f) establishing the control area (*Fig. 1, item 21*) and the device control action (*Fig. 2, item 26*) which is associated with the same color (*Fig. 2, item 27*) as the retrieved color in *Figs. 1-2 and in column 8, lines 10-25. (NOTE: In essence, throughout Figs. 1-2 of DOYLE; the position each item (21) in the display (11) is represented by a unique color map (25) which corresponds to a specific index; which in turn corresponds to a unique sting (27) associated with the unique item (21) in the display). (NOTE: Applicant states that any color combination can be used, as long as each region in the color mask has a unique value (section [0052]). Hence, DOYLE meets the claim limitations in teaching that the color combinations (Fig. 2, the combination of indexes and colors which represent items SEG. 1-3) can be used since each*

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region of the color mask (Fig. 2, item 27) has a unique value (each index is uniquely matched up with a unique pointer)).

23. DOYLE fails to teach that a one-to-one relationship is established between each selectable control area and one of the single different colors.

24. SEGMAN teaches that a one-to-one relationship is established between each selectable control area and one of the single different colors (column 1, line 55 to column 3, line 40).

25. It would have been obvious to one with ordinary skill in the art at the time the invention was made to specify that the each color and control area has a one-to-one relationship as taught by SEGMAN with the color mask of DOYLE in order to provide users a desirable way to change a function without effecting the rest of the other functions (SEGMAN, column 1, lines 25-30).

26. **As for claims 2, 11**, DOYLE teaches that the color mask (Fig. 2, item 27) is obtained using a bit map (Fig. 2, item 25) of the control areas (Fig. 1, item 21) in Figs. 1-2 and in column 7, lines 33-36.

27. **As for claims 3, 12**, DOYLE teaches that the lookup table (Fig. 2) of the set of unique colors is stored in device memory (Fig. 1, item 16), together with a reference to each associated selectable control area (Fig. 1, item 21) in Figs. 1-2 and in column 5, lines 64-67.

28. **As for claims 4, 13,** DOYLE teaches that each of the unique colors in the table (Fig. 2) is represented as an unsigned integer in Fig. 2.

29. **As for claims 5, 14,** DOYLE teaches that each of the unique colors in the color mask (Fig. 2) is represented as an unsigned integer and the unsigned integer representing the color at the set of co-ordinates is compared against each unsigned integer in the table (Fig. 2) until a match is found in Figs. 2-3 and in column 9, lines 1-15.

30. **As for claims 6, 15,** DOYLE teaches that when a match is found, the corresponding selectable control area (Fig. 1, item 21) is then established using the table (Fig. 2) in Figs. 2-3 and in column 9, lines 1-15.

31. **As for claims 7, 16,** DOYLE teaches that a selectable control area (Fig. 1, item 21) can be any arbitrary shape so long as the color mask region corresponding to that arbitrary shape can be filled with a single color in Fig. 1 and in column 7, lines 9-11. The controllable items (21) represented on the display have various shapes such as a lamp, chair, sofa or table and hence the fact that the controllable area can take these various shapes indicates that the selectable control area of the apparatus of DOYLE is able to take any arbitrary shapes (see column 7, lines 16-17).

32. **As for claim 8**, DOYLE teaches that the arrangement or design of the different selectable control areas (Fig. 1, item 21) is updatable to a different arrangement or design by altering the bit map (Fig. 2) of the control areas (Fig. 1, item 21) and the color mask (Fig. 1) in column 11, lines 5-10.

33. **As for claim 9**, DOYLE as modified by SEGMAN fails to teach that altering the bit map of the control areas and the color mask is performed using a paint application.

34. Examiner takes official notice that it is well known to alter the bit map of the control areas and the color mask is performed using a paint application.

35. It would have been obvious to one with ordinary skill in the art at the time the invention was made to use a paint application with the apparatus of DOYLE as modified by SEGMAN because it enables the user to utilize a user friendly GUI to manipulate the device.

Conclusion

36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

37. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy Pham whose telephone number is (571) 272-7773. The examiner can normally be reached on 8:00-5:30 (Mon-Fri).

39. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TP
18 July 2008

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